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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,779	01/26/2000	Michael Gauselmann	ADP231	9043
7590	01/31/2005		EXAMINER	
Horst M Kasper 13 Forest Drive Warren, NJ 07059			COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/491,779	GAUSELMANN, MICHAEL
Examiner	Art Unit	
Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 April 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Reopening Prosecution

1. Prosecution is being reopened on this case because of the discovery of PCT publication WO 97/49073, which was published on 18 June 1997.
2. For purposes of this action, Examiner will use the patent (US Patent Number 6,089,980), which is a translation of the PCT publication. All citations will be made with reference to locations in the US Patent.

Claim Objections

3. Claims 1 & 7 are objected to because of the following informalities: Claims 1 & 7 recite “in the following” in line 8. There appears to be something missing. This and other such errors makes the Examiner suspect that this is a direct translation from another language – thus the rejection below. Appropriate correction is required.

Drawings

4. The drawings are objected to because Fig 2 is merely a set of boxes with numbers. Components should be labeled in such a manner that those reading the drawings can determine the basic components of the system. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. **The substitute specification filed must be accompanied by a statement that it contains no new matter.**
6. A substitute specification is also required due to the large numbers of amendments made to the specification. It is impossible for the Examiner to determine exactly what the specification now discloses. Again, Examiner stresses that **the substitute specification filed must be accompanied by a statement that it contains no new matter.**

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
8. Claims 10-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims refer to

operational blocks in a manner that suggests that these are structural elements – i.e., a piece of physical hardware. Claim 10, for instance recites, “monitoring a credit balance state with a first operational block exhibiting a game state...” This clearly indicates that the first operational block is some sort of physical structure. Yet the specification fails to disclose any such structure. The specification refers to “operational blocks” as steps to be executed in a program in the description of Figure 3. Furthermore, Applicant’s Appeal Brief refers to Fig 3 as providing support for these claims. But Figure 3 describes the operation of a computer program and cannot provide support for any physical structure.

The claims also recite “branching blocks”. These are also claimed as structural elements. As noted above, Figure 3 does not provide support for any such structure.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Claims are interpreted as best understood by the Examiner.

11. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the limitations “the highest winning value” in lines 7 & 8 and “the winning value” in line 9. There is insufficient antecedent basis for this limitation in the claim.

Furthermore, it is not clear that these refer to the same winning value – though Examiner assumes that they do.

12. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the limitations "the highest winning value" in lines 6-7 and "the winning value" in line 8. The claim also recites, "the highest winning" in line 9. (Presumably this is highest winning value, but Examiner cannot be certain.) There is insufficient antecedent basis for these limitations in the claim. Furthermore, it is not clear that these refer to the same winning value – though Examiner assumes that they do.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauselmann (WO 97/49073) in view of Bridgeman et al. (US Patent Number 5,033,744).

Claim 1: Gauselmann teaches a method for operating a coin actuated entertainment automat (2a) comprising placing a coin into a coin acceptance device (12) of an entertainment automat; testing the coin in a coin testing device (Col 6, 10); displaying symbols on a symbol display device (8), wherein a displayed symbol combination comprises several symbols (Fig 1 shows several symbols displayed on display device 8) and wherein upon reaching of a predetermined credit balance in a credit balance counter

disposed on the side of the control unit a symbol combination is displayed with the symbol display device (i.e., when a player deposits enough money, he can play the game – this is how slot machines operate). Gauselmann teaches controlling the course of the game with a control unit including a microcomputer (9) and a pseudorandom number generator (216). Gauselmann teaches renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached; and accumulating the obtained winning in the credit balance counter – i.e., Gauselmann teaches determining a winner and paying winnings like any other slot machine.

Gauselmann does not teach influencing the course of the game by an operational element disposed on the front side of the entertainment automat or substituting a symbol by another randomly determined symbol. This is simply a description of the notoriously well known game of draw poker. In draw poker, the player uses controls on the console to determine which cards to hold. This is influencing the course of the game by an operational element disposed on the front side of the entertainment automat. The gaming machine then dispenses new cards for those not held. This is substituting a symbol by another randomly determined symbol. Bridgeman teaches draw poker. (Abstract) Draw poker machines are among the most popular gaming machines in the industry. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Gauselmann in view of Bridgeman to influence the course of the game by an operational element disposed on the front side of the entertainment automat and substitute a symbol by another randomly determined symbol (i.e., implement a draw poker game) in order to take advantage of the well known popularity of draw poker.

Claims 2, 8, 19: Gauselmann teaches networking a second entertainment automat to the first entertainment automat (Fig 1) and simultaneously switching the played entertainment automats into a uniform game mode upon reaching of a predetermined symbol combination or upon reaching of a predetermined credit balance state of a common credit balance counter. (Col 2, 30-37) Gauselmann teaches determining in a game mode the entertainment automat, which has reached the highest winning value within a time window predetermined by the control unit and coordinating the winning value to that entertainment automat, which entertainment automat has reached the highest winning within the time limited game mode. This is the rank sequence determination described at Col 2, 39-43.

Claims 3, 11, 13, 15, 18: Gauselmann teaches the invention substantially as claimed. Gauselmann teaches a timed game or series of games. (Col 2, 37-39) Gauselmann fails to teach the details of draw poker – drawing cards; determining of the cards are a winning hand; indicating which cards to hold; drawing new cards for discarded cards, etc. As noted above, these details are a conventional part of the draw poker game taught by Bridgeman.

Claims 4, 12: Gauselmann teaches determining if a special symbol combination or a jackpot winning value has been reached after inserting payment into the automatic entertainment automat. This is the jackpot trigger value discussed in Col 2, 31-37.

Claims 5, 21: Gauselmann teaches networking a second entertainment automat to the first entertainment automat. (Fig1) Gauselmann teaches determining which one of the entertainment automats assumes a master function and determining which one of the

entertainment automats assumes a slave function. (Col 7, 13-18) Gauselmann teaches determining if a jackpot filling level has reached a predetermined release amount; starting a jackpot game at the entertainment automat performing the slave function; waiting till the slave is ready; activating the game time for the entertainment automats; randomly drawing all cards (i.e., playing one or more games); determining if a game time has ended; collecting the game results of the slave entertainment automat in the master entertainment automat; distributing of the game results to the slave entertainment automat by the master entertainment automat; calculating of the winning amount; displaying the winning amount. (Cols 8 & 9)

Claim 6: Gauselmann teaches sending a readiness signal to the master entertainment automat and waiting by the slave entertainment automat for an activation of the game time through the master entertainment automat. (Col 7, 20-26 & Col 8, 30-40)

Claim 7: See claims 1, 3 & 4.

Claim 9: See claims 1 & 2.

Claim 14, 17: Gauselmann teaches initiating a network by actuating the power switch of each entertainment automat (Col 6, 66-67); assuming of the master function by one of the entertainment automats, wherein the master function comprises essentially that a coordination of the entertainment automats present in the network is performed with respect to the collection of data through the counter state of the jackpot amount and the release of a common special game, which takes place at all entertainment automats present in the network at the same time; switching the second entertainment automat, present in the network to a slave function; randomly determining a symbol combination

in an operational block and displaying the symbol combination in the symbol display device in case of a sufficient credit balance state; transferring an adjustable shared part amount of the game stake of each base game to a common jackpot counter; checking the counter state of the jackpot counter in a branching block following to a determination of the winning value in the base game; sending from the master a control signal to all other entertainment automats present in the network if the predetermined jackpot counter state is reached or surpassed, wherein the slaves switch to the supplemental game based on the control signal after termination of the base game; monitoring in an operational block, if an okay signal was returned by all slaves; starting the supplemental game at the same time in all participating coin actuated entertainment automats. (Cols 7-9)

Claim 16: See claims 4 & 5.

Claim 20: Gauselmann and Bridgeman teach the first entertainment automat is furnished with a first additional operating element, wherein the first additional operating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the first operating element, and wherein the first entertainment automat includes a first separate processor and first software; wherein the second entertainment automat is furnished with a second additional operating element, wherein the second additional updating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the second operating element, and wherein the second entertainment automat includes a second separate processor and second software – i.e., each gaming machine is self-contained.

Claim 22: Gauselmann teaches that the entertainment automat performing the master function accumulates a jackpot amount as an adjustable shared part of the game stake of each base game, and wherein the entertainment automat performing the master function scans individual game results and subdivides the jackpot winning amount. (Col 8, 20-30 & Col 9, 1-47)

Claim 23: Gauselmann teaches a display means furnished as a central large display field (3), wherein the display means displays the temporary jackpot value.

Claim 24: Claim 24 describes two linked gaming machines as depicted in Figs 1 with components depicted in Fig 2.

Claim 25: Gauselmann teaches that the first symbol display device displays the temporary jackpot value and the second symbol display device displays the temporary jackpot value (i.e., all game machines display the temporary jackpot value on the display in the lower left corner of the top box as shown in Fig 1). The first and second control units perform an automatic recognition for determining which control unit assumes a master function and which control unit assumes a slave function. (Col 6, 63 – Col 7 20) A jackpot prerelease value is set and the jackpot is frozen upon reaching of the jackpot prerelease value. (Col 8, 6-20) A jackpot payout game is started at the first control unit and at the second control unit. (Col 8, 30-40)

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,785,595, US 5,702,302 and US 6,491,583 appear to be material to patentability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Jessica Harrison can be reached on (571)272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Reopening of
prosecution
approved


JESSICA HARRISON
PRIMARY EXAMINER

Acting SPE 3714